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Letter dated 22 November 1996 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a letter dated 21 November 1996, addressed to you by His Excellency Mr. Osman Ertuğ, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex, which contains a letter of His Excellency Mr. Rauf R. Denktaş, President of the Turkish Republic of Northern Cyprus, dated 12 November 1996, sent to Mr. Glafcos Clerides, the leader of the Greek Cypriot Community, could be circulated as a document of the General Assembly, under agenda item 58, and of the Security Council.

(Signed) Hüseyin E. ÇELEM
Ambassador
Permanent Representative

ANNEX

Letter dated 21 November 1996 from Mr. Osman Ertuğ
addressed to the Secretary-General

I have the honour to enclose herewith the text of a letter dated 12 November 1996 addressed by His Excellency Mr. Rauf Denktaş, President of the Turkish Republic of Northern Cyprus, to Mr. Glafcos Clerides, the leader of the Greek Cypriot community (see appendix), in response to a letter from Mr. Clerides dated 22 October 1996.

I shall be grateful if the text of the present letter and its appendix could be circulated as a document of the General Assembly, under agenda item 58, and of the Security Council.

(Signed) Osman ERTUĞ
Representative
Turkish Republic of Northern Cyprus

APPENDIX

Letter dated 12 November 1996 from Mr. Rauf Denktaş addressed to Mr. Glafcos Clerides

Since we cannot meet, owing to your insistence that we do not yet have "common ground" for agreement, I suggest that we use this remaining channel for dialogue more responsibly and constructively.

In this spirit, please allow me to touch briefly upon a few points that you raised in your letter of 22 October 1996 before I move to a few constructive suggestions that may help us in reversing the cycle of escalation on the island that, I believe, is damaging the vital interests of both our communities.

A. The death of Petros Kakoullis

I have delayed answering your letter of 22 October until today in the expectation of a full report on the death of Petros Kakoullis, in view of your serious accusation that "a local family man who was out, in the fields after rain collecting snails and who was shot three times by Turkish soldiers, the last shot was fired at him while lying on the ground mortally wounded".

Your conclusion that "the Turkish Cypriot leadership and the Turkish Government" issued orders "to shoot and kill Greek Cypriots who enter the buffer zone or the area under Turkish control" is of course a far-fetched propaganda ploy that does not merit serious consideration. As I pointed out to you in my letter of 22 September 1996, your Minister of Defence Mr. Aloneftis is on record as saying that it is your side that has such standing orders. I quote him again as a reminder: "The National Guard is under orders to fire at anyone who enters the buffer zone and this order is to be implemented at all times."

If no Turkish Cypriots have been killed recently by your side (except for the brutal murder - as confessed to by its "Commando" organizers on your side - of one of our soldiers and the wounding of another, not in the buffer zone but while at their post in Güvercinlik) it is because no Turkish Cypriot has trespassed into your military areas and tried to escape when asked to stop and identify himself. What is necessary is that both sides should help the United Nations Peacekeeping Force in Cyprus (UNFICYP) to arrange an agreed code of conduct and that your side's standing order to shoot to kill be rescinded forthwith. In this context we have already informed UNFICYP that we are eager to cooperate on unmanning, etc., knowing well that nothing of this nature would be needed if only your authorities stopped the provocative and disruptive demonstrations at our borders.

Now that I have received a full report from our authorities on the Kakoullis case, I should like to make the following observations and corrections on your presentation of facts:

1. Mr. Kakoullis apparently needed a commando strangulation chain and military dagger in order to collect snails! This "family man" was one of your

trusted "militia" who, back in 1963-1964, while in uniform, had taken part in the murder of several Turkish Cypriots. Photographs in Greek dailies project him as one of the "heroes" of the day, with his fellow colleagues, posing happily over the dead bodies of several Turkish Cypriots. That may be the reason why he did not stop to identify himself when asked to do so. The discovery on his person of instruments of murder coupled with his past "heroism" would have been extremely embarrassing for him!

2. I was sorry, but not surprised, to see that you followed the footsteps of your propagandists and thought fit to refer to the Turkish Cypriot soldiers involved in the shooting of Mr. Kakoullis as "Turkish soldiers", knowing well that Turkish soldiers were not involved in any of the cases which you have listed in your letter, let alone the Kakoullis case.

3. I have examined the post-mortem reports and had the pathologist on our side questioned again in order to find out whether your allegation that "Kakoullis was fired upon while lying on the ground mortally wounded" could be sustained. The post-mortem examination supports our soldiers' statement that Kakoullis was shot from quite a distance and that our soldiers could not approach him closely in view of a pool of mud between them.

In view of your side's reluctance to agree to cooperate with the Turkish Cypriot police and our Attorney-General in the north, big loopholes are left in all the investigations of incidents at the borders. I propose that we agree to cooperate directly on these matters under the auspices of United Nations officers. It should not be impossible to agree that in such events the police, on either side, should immediately take action jointly, exchanging information and evidence, giving each other the chance to be present at post-mortem examinations and having joint tests on ballistics, fingerprints etc., so that no room is left for any culprit to go free.

As this will be the procedure when it is hoped we will reach a settlement, I see no reason why we should not let our authorities start such cooperation from now. This would not in any way be an infringement on each other's political stand as it will be done "as a matter of intercommunal accord" and not as "an agreement between the two States". You will remember that I had called for a similar agreement on non-aggression several times, which, I still believe, would be a great contribution to lessening the tension on both sides. It must be clear to all of us who have lived in Cyprus since the 1960s that it is not possible to solve the Cyprus questions through the use of force and that the only way out is for both sides to agree to a modus vivendi of safe and secure coexistence, side by side, in a bicommunal and bizonal set-up, as agreed in 1977 and 1979.

B. <u>The need to look forward and to share sorrow</u>

The final paragraph of my letter of 22 September 1996 to you (A/51/500-S/1996/854, annex, appendix) read:

"In the light of the above, and in view of the fact that, before too late, we have to reverse the present dangerous trend of escalation, please

let us know, openly and sincerely and as early as possible, how you see any future settlement so that we can evaluate our position correctly."

I was sorry to see no reference in your last letter to this forward-looking offer, which was more directed at pointing your finger at the Turkish side, forgetting that while doing so three of your fingers point at your good self.

I repeat, in all sincerity, that I regret and I feel very sorry (and I have made statements to this end on the radio and television and to the newspapers) each time young people have been killed on either side, contrary to your assertion that I have not done so. What is regrettable is the fact that the Greek Cypriot side refuses to recognize the reality that none of these would have happened had the Greek Cypriot leadership not set afoot, back in 1963, a plan of military action for (in your own words) "converting the partnership State into a Greek Cypriot State". That we have had this anomalous life for 33 years is owing to your insistence to impose upon your Turkish Cypriot co-founder partner of the defunct Republic of 1960, your political will from the seat of government in the south under a misnamed title called "the Government of Cyprus"! Since we are talking (or should be talking) of how to re-establish the destroyed partnership State (this time under the agreed terms of a bizonal settlement) - and in your letter under reference you quote your statement to the United Nations General Assembly confirming that you stand for such a settlement - I see no reason whatsoever why we should not be able to come to ad hoc arrangements on matters like unmanning: cooperation between our respective authorities on serious incidents involving both sides; an agreement to return immediately anyone who absconds to the other side; cooperation on pressing environmental planning and management issues; and the lifting of obstacles on business and sports between the two sides, all of which could be instrumental in reducing the tension on the island.

I am sure it is obvious to all persons living in the south that the economic, social and political isolation imposed upon us has been counter-productive as this treatment has helped us to get stronger on our feet and to find adequate alternatives for self-existence, all of which help to consolidate and give permanence to the division of the island. Your last attempt to enter the European Union unilaterally, in utter contravention and defiance of the rule of law will, of course, complete this cycle of events and will divide the island for good. There is no way of forcing us to enter into the European Union under your conditions. Cyprus has to reunite first, and for that to happen it is necessary that our vested rights as a politically equal partner, that our right in the sovereignty of Cyprus, and that the continuation of the 1960 guarantee system, be recognized.

C. Greek Cypriot militia along the borders

I thank you for your efforts to pacify the Avgorou area. As to your statement that all your militia have been issued with arms, ammunition and uniform, all that I can say is that this action does not enhance the "culture of peace" and reconciliation, which is what Cyprus needs, but on the contrary keeps "the kettle of war" on the boil and feeds animosity rather than friendship. That the militia has not attacked any Turkish Cypriot or any Turk from Turkey is

no consolation for anyone because the fact is that no Turkish Cypriot or Turk from Turkey has tried to trespass into your prohibited military areas. I still wonder how you will deal with the "monsters" and militias in the south when they become (and they are becoming) self-propelling and start challenging central authority. This has unfortunately been the case in the so-called 'motorcyclists' peaceful demonstration" during August 1996.

D. Political will

Your allegation that there is no political will on the Turkish Cypriot side to resolve the Cyprus question is regrettable. You will remember that I was unjustly depicted, by the Greek Cypriot press, all through the years of 1968 to 1974 (while talking with you for a settlement) as "intransigent" and as "not having the political will to settle the Cyprus question", while you well knew that I was making all the concessions needed for a settlement except (a) the co-founder partner status of my people (we refused to become a protected minority in a Greek Cypriot Republic as you had set out to make us), and (b) the Guarantee System of 1960 (which was and is absolutely vital for our self-preservation as a co-founder partner of the future set-up as well as for the self-preservation of the independence of Cyprus).

In your memoirs, My Deposition, volume 3, page 206, you confirm this fact in the following words:

> "The decision of Makarios of 12 December 1972 not to compromise, after the concessions the Turkish side had made, sealed his fate and that of Cyprus. The die was cast and the worst followed."

On the same point Mr. Michael Dekleris, the constitutional expert from Greece, who together with his Turkish counterpart, Professor Aldikaçti, joined us in the enlarged intercommunal negotiations in 1972, is quoted in a Fileleftheros report of 6 October 1996 as having said that:

> "In his [Rauf Denktaş's] youthful days he had a reputation of being an extremist, but when I knew him he was a realist, a moderate man at the negotiating table. His attitude was that of a man who seriously wanted and pursued an agreement. I lived and negotiated with this man for two and a half years and I can say that during that period he behaved in a responsible and moderate manner."

In spite of these, my reputation as an "intransigent negotiator" unfortunately stuck, thanks to the Greek Cypriot propaganda machine.

You know very well that on the very day you unjustifiably managed to extract from the United Nations Secretary-General the statement to the effect that we "lacked political will", etc., we had already agreed with Mr. Gustave Feissel on the modalities for the implementation of the package of confidence-building measures, but the Secretary-General, for reasons not clear to us, did not correct his report until after you were able to use it against us for quite some time. Although this misrepresentation was later corrected by the Secretary-General on 28 June 1994 (S/1994/785) it is most regrettable that the

wrong report is still circulated by your propaganda machine all over the world. You also forget to mention that it is not I who politely "misused" the Secretary-General's invitation to us on 10 October 1994 (see S/1994/1229, para. 6):

> "to join him [Mr. Feissel] for a number of informal consultations at his residence with a view to exploring in a practical and concrete manner ways in which progress might be made both in respect of the implementation of the confidence-building measures and the long-contemplated overall settlement of the Cyprus problem."

While refusing the implementation of the United Nations confidence-building measures package (as foreseen in the letter of the United Nations Secretary-General of 28 June 1994 (S/1994/785)) completely, by introducing a new pre-condition in the form of European Union membership (and thus destroying the Secretary-General's agenda for us) you have ever since refused to meet and talk with the Turkish Cypriot side in spite of all promptings by the United Nations and all diplomats involved in the Cyprus case. In order to cover up your lack of political will to reach a settlement on the basis of the 1977 and 1979 high-level agreements, you have since developed the unconvincing excuse that there is not sufficient "common ground" for a settlement.

E. The events of 1963

I cannot close this section of my letter without reference to your assertion (referring to Field Marshal Lord Carver) that Turkish Cypriots forced the issue before the Greeks were ready to start their pre-planned attack on us! We knew that we were not in a position to force any issue with you because we knew that you were already fully prepared to attack us. We also knew that Turkey was not awake to this danger and had no preparation to avert it. Facts from 1963 to 1974 prove this point quite adequately. But just for the record I should like to quote below your own conclusions, as well as the conclusions of Professor Forsthoff, the President of the Supreme Constitutional Court, General George Karayiannis, the Greek Army Officer then in command of the "Cyprus Army", and Mr. Angelos Vlachos, the then Consul-General of Greece in Cyprus:

1. You conclude in your memoirs that:

> "There is no doubt that, finally, in September 1963, the Greek Cypriot leadership was steering the ship of the Republic, with Makarios at the helm, on a collision course and that the Turkish Cypriot leadership had decided on a course that would meet the collision head on."
> (My Deposition, vol. 3, p. 211)

2. Professor Forsthoff, in a statement published in the newspaper Die Welt of 27 December 1963 concluded that:

> "Makarios bears on his shoulders the sole responsibility of the recent tragic events ... His aim is to deprive the Turkish community of their rights."

3. In a statement published in the Athens-based newspaper Ethnikos Kinyx of 13 June 1965, General Karayiannis is reported to have said that:

"In August 1960 ... President Makarios decided to proceed with the following:

"A. To organize for battle the Greek Cypriots and arm them;

"B. To proceed with the revision of the Constitution, so that, with the cancellation of the Vice-President's veto, it would become possible to put the State into proper working order.

"First of all he put into operation a specially prepared scheme for organizing the Greek Cypriots for battle ...

"The organization of the Greek Cypriots for battle which was thus created and which initially bore the title 'the organization', finally took the name of the National Guard of Cyprus ..."

In another statement published in the same newspaper on 15 June 1965, General Karayiannis admitted that:

"When the Turks objected to the amendment of the constitution, Archbishop Makarios put his plan into effect and the Greek attack began in December 1963."

General Karayiannis's confessions mean that as early as August 1960, the month when the transfer of power from Britain to the new Republic took place, and before the new Constitution had been given a chance to work, President Makarios had already decided to impose, by force of arms, a revision of the Constitution on the Turkish Cypriot partner.

4. Last, but not least, Mr. Angelos Vlachos, the then Consul-General of Greece in Cyprus, in his memoirs Ten Years of the Cyprus Problem says that:

"In January 1963, without the knowledge of the Greek Government, planning exercises were carried out for three days at the Presidential Palace in Nicosia, with the objective of neutralizing the Turks ...

"In order to begin his new offensive, the Archbishop waited for Mr. Karamanlis, who had signed the Zurich/London Agreements, to be removed from power."

I believe I have said enough regarding the points that you raised in your recent letter in my effort to reflect the facts as they happened in the past. We need, however, to look with equal enthusiasm and passion into the future if we want to overcome the traumas of the past and improve the quality of life of our peoples.

I suggest, therefore, that we refrain, from now on, from indulging or involving ourselves in polemics, accusations and counter-accusations, organized events at the borders and buffer-zone violations, all of which do not help to

create an atmosphere conducive to peace and resolution. Counter-productive acts, I suggest, should be discouraged and prevented by both of us at all times.

My position is clear and I will be very frank and open about it so as not to leave any room for misunderstanding: We are one of the two co-founder peoples of the independence and sovereignty of Cyprus. Cyprus is not an exclusively Greek land, it is the homeland of both peoples who are political equals. It is as Turkish as it is Greek. It is these two peoples who will settle the Cyprus problem on the basis of equality and without interference from outside. Bizonality is one of the security elements for my people, and settlement of all property questions by exchange and/or compensation are matters of vital importance which should not be watered down under alleged universal principles. The permanence of the independence of Cyprus cannot be guaranteed if the guaranteed restrictions on the independence of Cyprus (as established in 1960) are not continued. These restrictions, to which all of us agreed in 1960, are that enosis and partition shall be prohibited, and that Cyprus cannot enter into any union in which both motherlands (Turkey and Greece - the guarantors of our independence) are not members. In other words, the balance between our two motherlands vis-à-vis Cyprus must be maintained. I know that having decided to destroy the 1960 partnership Republic in order to convert it into a Greek Cypriot Republic it was your propaganda line to inform the world (especially the non-aligned) that you were "thirsting for full independence". No one knew, as we did, that the purpose was to remove the restrictions on the independence of Cyprus and proceed to enosis. Few understood that these restrictions were necessary for preserving the bicommunal partnership independence. After reading four volumes of My Deposition, my impression is that you understood and respected the above concerns of my community.

Now, with your unilateral application for membership to the European Union, you have assumed that "the Republic of Cyprus" is no longer restricted in regard to the points referred to above and that "Cyprus" is legally able to apply for such membership. Our position on this point is quite clear. If the title of "the Government of Cyprus" has anything to do with the 1960 agreements - and clearly it has none - then under the rule of law your unilateral application is invalid and all process in that direction should be stopped pending the settlement of the Cyprus problem as provided in paragraph 92 of the United Nations set of ideas (S/24472, annex). If you claim that the title which has been usurped for 33 years has nothing to do with the 1960 agreements, namely that it represents "the Greek Cypriot Republic in the south" then, of course, this is another matter, but you should inform the European Union accordingly and not manoeuvre it to conclude that you represent a legitimate Government of all Cyprus and that Turkish Cypriots are a "minority" in the island who should be "contacted within the knowledge of the legitimate Government". In other words, you cannot argue that you are for a bizonal, bicommunal settlement while defying the vested rights of the Turkish Cypriot side to object to your unilateral application for European Union membership by ignoring the agreements in question. This attitude of yours, rest assured, will completely destroy the chances of any settlement. We have been waiting for 33 years for justice to be done and for your side to understand that we are not going to fall into such traps and abandon our vested rights as a politically equal co-founder partner of the defunct 1960 Republic, as well as of the future partnership Republic.

It would be pertinent to note here that the 1960 Treaties of Guarantee and of Alliance, which effectively protected our and Turkey's vital interests and vested rights, are not negotiable and must be accepted as a sine qua non in any future settlement.

Thirty-three years should be enough to prove to all concerned that we either settle the problem and achieve a bizonal and bicommunal unification of the island, or we stay put as two administrations and seek ways and means of peaceful coexistence, giving a chance to our respective peoples to cooperate for mutual benefit and leave it to them to find a formula for reunification once we have put an end to the present atmosphere of enmity, accusation and counter-accusation, and appreciate the fact that the island of Cyprus is the common home of both peoples and that neither one can dominate the other.

To conclude, I wish to reconfirm that we continue to be committed to the 1977 and 1979 High-level Agreements; that subject to full and sincere results-oriented negotiations we are prepared to build on the relevant parameters that have evolved, under the mission of good offices of the Secretary-General, since the High-level Agreements; that the best way forward for the benefit of our two communities, as well as Greece, Turkey and the region, is to re-establish a bicommunal and bizonal partnership based on the political and sovereign equality of our two co-founder communities; and that we need to get together as early as possible (a) to discuss and agree on measures that could help us reverse the destructive cycle of escalation; (b) to study and agree on measures that could address the deep crisis of confidence between our two communities; and (c) to discuss process and content issues regarding the long-contemplated overall settlement.

I am sure you will realize that 33 years are enough to wait for your side to stop dreaming and preparing for the Hellenization of Cyprus at our expense and that we are entitled to further our position and save ourselves from the isolation into which we have been pushed at gunpoint for three decades.

(Signed) Rauf R. DENKTAŞ